

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&**

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 2ND JANUARY 2007 / 12TH PAUSHA 1928

CRP.No. 805 of 2003-H

**RCA.14/2000 of RENT CONTROL APPELLATE AUTHORITY(I ADDL. DISTRICT
COURT), PALAKKAD
RCP.2/1999 of MUNSIFF(RENT CONTROLLER) COURT, CHITTUR
.....**

REVN. PETITIONER: PETITIONER/APPELLANT/RESPONDENT

**GANGADHARAN, S.V.HARDWARES, III/381,
CHITTUR BAZAR, CHITTUR.**

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS: RESPONDENT/PETITIONER

**A.KUMARASWAMY, S/O.ARUMUGHA KOUNDER,
AMBATTUPALAYAM, CHITTUR, PALAKKAD DIST.**

**BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.P.B.KRISHANAN**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/01/2007,
ALONG WITH CRP NO. 806 OF 2003 THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

ORDER ON CMP.NO. 1954/2003 & IA.2004/2003

DISMISSED.

SD/-K.A.ABDUL GAFOOR,JUDGE

2-1-2007

SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

**K.A.ABDUL GAFOOR &
K.R. UDAYABHANU, JJ.**

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C.R.P.NOS.805 & 806 OF 2003
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DATED THIS THE 2nd DAY OF JANUARY 2007

ORDER

Udayabhanu,J.

The revision petitioners are the tenants under orders of eviction on the application filed by the respondent/landlord under Section 11(8) of the Kerala Buildings (Lease and Rent Control) Act, 1965 [Act 2 of 1965]. The courts below have concurrently found that the ground advanced by the respondent/landlord that the premises are required for the requirement of his jewellery shop conducted in the same building and adjacent to the petition schedule premises. The contention of the petitioners that the landlord is in possession of other suitable premises was found not true.

2. On a consideration of the judgments of the courts below in the matter, we find that the landlord has established his need for additional

accommodation for running his business and the petitioners/tenants have failed to convince that the respondent/landlord is in possession of other suitable premises. The evidence adduced in the matter contained the report of the Commissioner deputed by the court. We find that that findings are based on objective evidence and there is no reason to interfere in the orders of the courts below.

3. Counsel for the petitioners sought for time for vacating the premises as it appeared that we are not inclined to upset the findings of the courts below. It was agreed by both sides that the petitioners/tenants can be granted time for nine months to vacate the premises.

In the circumstances, the civil revision petitions are disposed of with a direction that the petitioners shall vacate the petition schedule premises within nine months from today onwards. The petitioners shall file an affidavit before the executing court undertaking to vacate the premises on or before 2-10-2007 and on depositing the

arrears of rent, if any, and continue to deposit the future rent due. The affidavit shall be filed within one month from today.

Sd/-
K.A.ABDUL GAFOOR
JUDGE

Sd/-
K.R.UDAYABHANU,
JUDGE

ks.

TRUE COPY

P.S.TO JUDGE

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ

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C.R.P.NOS.805 & 806/2003

ORDER

02-01-2007

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